



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

**HARVARD COLLEGE
LIBRARY**



**GIFT OF THE
GRADUATE SCHOOL
OF EDUCATION**



MAN AND THE STATE,
SOCIAL AND POLITICAL.

AN ADDRESS

BEFORE THE

PHI BETA KAPPA SOCIETY

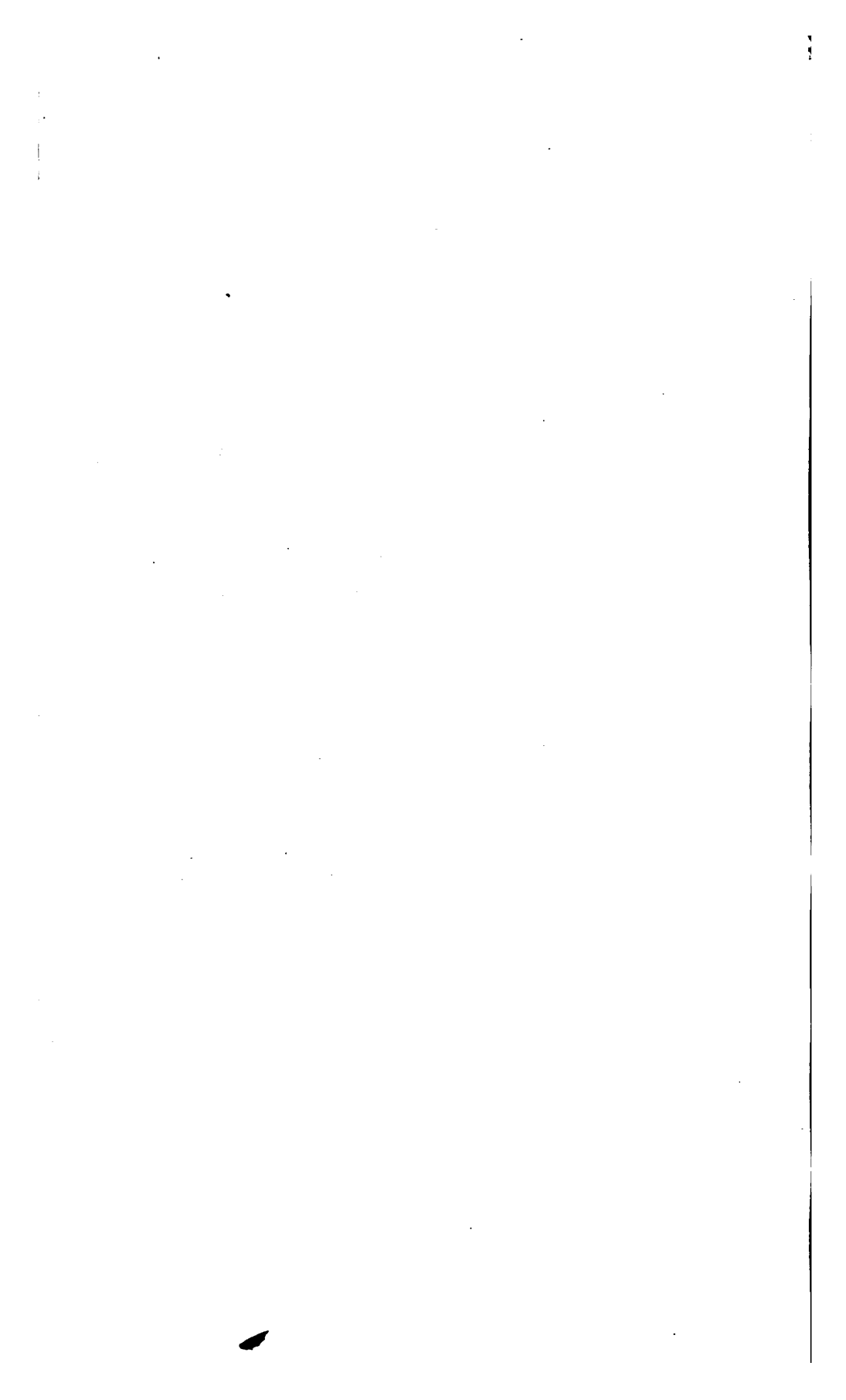
OF

YALE COLLEGE,

BY

DANIEL D. BARNARD, LL. D.

1845



MAN AND THE STATE,
SOCIAL AND POLITICAL. ✓

AN ADDRESS

DELIVERED BEFORE THE

CONNECTICUT ALPHA

OF THE

PHI BETA KAPPA

AT

YALE COLLEGE,

New Haven, August 19, 1846.

BY DANIEL D. BARNARD, LL. D.

NEW HAVEN:
PRINTED BY B. L. HAMLEN,
Printer to Yale College.

1846.

✓ Gov-512. 62

HARVARD COLLEGE LIBRARY
GIFT OF THE
GRADUATE SCHOOL OF EDUCATION
ESSEX INSTITUTE COLLECTION B
NOV. 7, 1923

HON. D. D. BARNARD:

Dear Sir—By direction of the *Phi Beta Kappa Society*, we return you their thanks for the Address to which they listened last evening with great satisfaction, and request a copy of the same for publication.

S. W. S. DUTTON, }
SAMUEL MERWIN, } Committee.
JOSIAH W. GIBBS, }

New Haven, August 20, 1846.

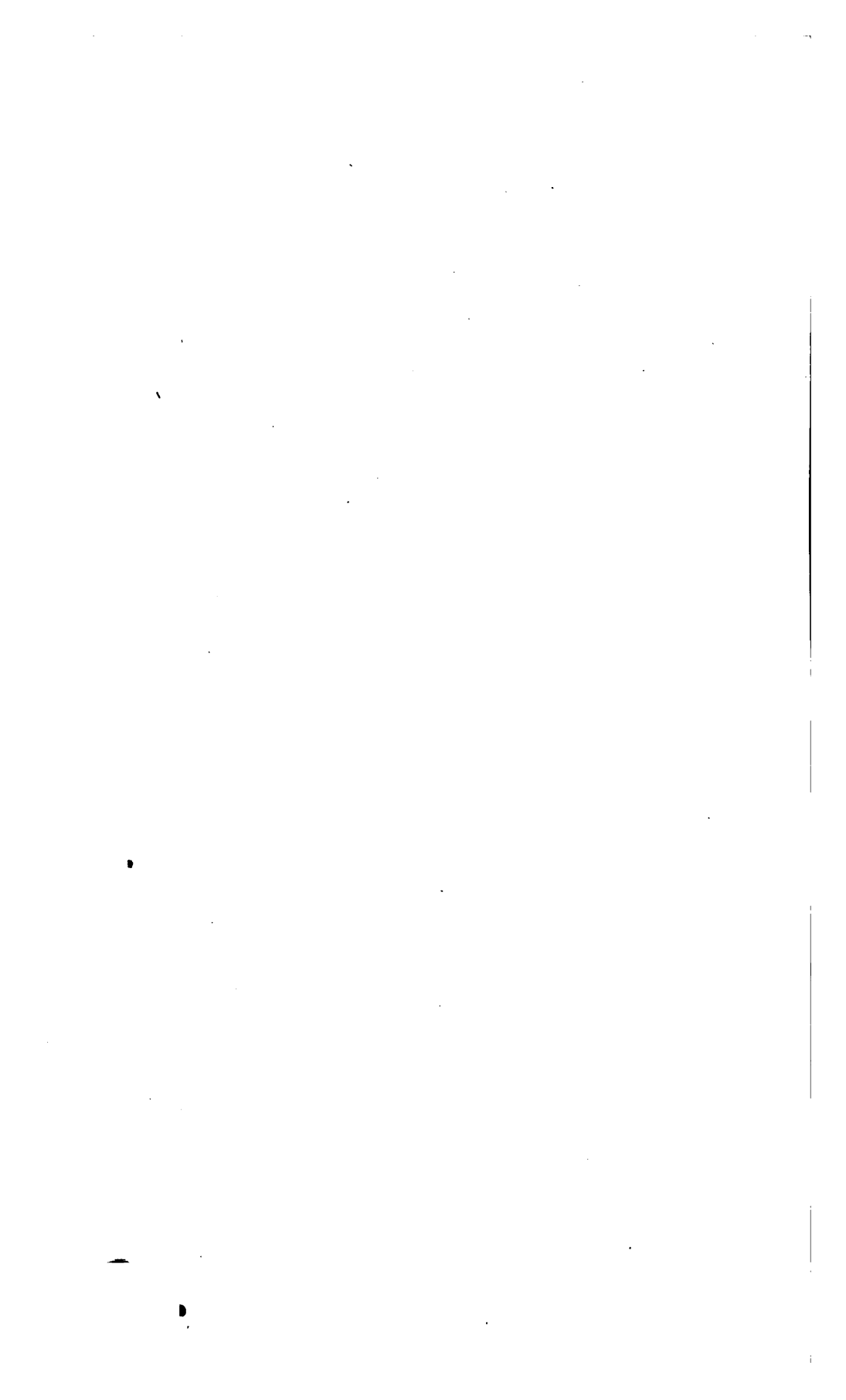
Albany, Aug. 26, 1846.

Gentlemen—I have received your note of the 20th inst., communicating the thanks of the *Phi Beta Kappa Society* for my Address, and requesting a copy for publication. I beg leave to tender my acknowledgments to the Society for the kind manner in which I was personally received in the attempt which I made to deliver my Address while laboring, temporarily, under a hoarseness, amounting well nigh to a loss of my voice. As there must have been many present who could not have heard me—at least only very imperfectly—and as this Address, if of any value, belongs to the Society, I have concluded, though contrary to my original purpose, to place the manuscript at your disposal for publication. I am, gentlemen, with great respect,

Your obedient servant,

D. D. BARNARD.

Messrs. S. W. S. Dutton, S. Merwin and J. W. Gibbs.



A D D R E S S .

IN addressing the members of an Association like this, on the occasion of their annual literary festival, it might not be altogether inappropriate, perhaps, if one should undertake to minister chiefly, though in a becoming way, to the literary amusement of one's audience. I can promise no entertainment of this sort, both because I have little ability for such a task, and because my tastes and inclination do not lie in that direction. Looking abroad over this fine country of ours, and at our people, I am apt to discover, along with a good deal that gives me infinite satisfaction, a good deal also that gives me anxiety—perhaps unnecessary anxiety. I imagine that I see many things going wrong, or likely to go wrong; and these happen to be just such things as, it seems to me, will meet with no check or correction, except through the agency of just such persons as I see around me on this occasion—persons of studious habits, given to reflection, and accustomed, or disposed to become accustomed, to employ the tongue and the pen in vigorous defense of whatsoever things are honest, true, and of good report. I confess that I look to the writers and speakers of the country—not certainly the mere political declaimers, or the hacks of party—but those, in and out of the learned

Professions, who have had the discipline of study, and have drunk at high and original fountains of knowledge—for that genial, gentle, suasive influence over the popular mind which shall keep it in a steady balance of virtuous, rational, and pious principle, amidst all the seductions to which the mind of a free people must ever be exposed. And I wish to be allowed to employ this occasion in bringing before those whom I address to-day, some reflections on one general topic, out of many that might have been selected, in the hope of enlisting their consideration and sympathies towards the views which I shall present, and, possibly, of securing their just efforts in behalf of those views, in whatever positions of rank, station, or influence they are or may be placed. This is, with us, the age of reform, or, rather, of reformers, and if we do not look to it, there is some danger that we may, by and by, find our people reformed out of all just notions, and every sound principle, in social affairs, in matters of government, and in religion. It is worth while, I think, on such subjects, to look back now and then, to the master minds of other times, and to contemplate, as well as we may, some of those eternal truths, recognized as such by the master minds of all times, and which relate to things about which modern ingenuity is becoming inventive, bold, and adventurous.

A good deal is said in these times, and in this country, about Human Rights—or, as the phrase goes, the ‘natural rights’ of man—and a good deal of shallow philosophy is invoked on the subject. Let us also have a word to say on this matter. The existing social re-

lations have been discovered, in some quarters, to be quite wrong, and to have been going wrong from the foundation of the world. A mistake is supposed to have been committed as far back as when the first human pair were united, and the first family formed. And, then, the question of government, and of the foundation of human authority in civil affairs, is much debated. It has become quite the fashion to say that there is too much government, and that on some vague idea of the sufficiency of self-government for nearly all practical purposes ; which means in the understanding of many, whatever others may think, that every man in the community is to govern himself, and leave every other man to do likewise. Or else, it is said, admitting that government cannot quite be dispensed with—at least it is apparent that many think, whatever they may say—that government has no legitimacy, and law no standard, no foundation, no sanction, except what is found in the absolute Will of the major number in the community, for the time being. In every two hundred, one hundred and one is the true governing power, not only of the hundred and one, but of the remaining ninety nine also ; and this will of the major number is the end of the law—it is the *Ultima Thule* in political geography—beyond this is the reign of Chaos and Old Night. Now I say, again, let us, who are disposed I hope to be little satisfied with such fancies on such high subjects, have something to say about these matters. Let not flippant error be permitted to take a verdict with the public against truth and honesty, by default. Let us be on hand to defend the

right cause as often as the restless and litigious may see fit to tender an issue upon that cause—at least if we think it in any danger. At any rate, I propose to employ the brief opportunity afforded me in the part which has been assigned to me in this day's ceremonies, to present before you very frankly, and very plainly, some views and sentiments—not the less likely, I trust, to be acceptable to scholars because in the main they are very old, rather than very new—having reference to some of the interesting matters to which I have now adverted. You will of course receive them, as I offer them to you, for just what they may seem to be worth. I shall have something to say in this address, of man as a Social and Political being, and of his Rights and Duties as such ; of the State, its origin, attributes, and authority ; of Government and Constitutions, and the true source of power under them ; of Laws and their proper sanctions, and the virtue of • Obedience ; and, finally, of the relation of the state and of governments to the subject of the Moral condition and Progress of man.

Every man who is accustomed to reflect at all on such things, must often be struck with the consideration, how very little of his practical life or being in this • world, is really individual and isolate. It is no world at all to him, considering how he is constituted, except as it is made up of beings like himself. Men find themselves every where, not merely existing by the side of other men, but associated every where with other men, in various relations. This is the Social State ; which, however, exists no where, and can exist no where, but

with a Polity of some sort for its regulation. It is no state at all, and no association at all, without some kind of civil regulation, or Polity. With this, there is a Political state, and all the relations of social life belong to it. And this seems to be the condition of man by nature; we are born into Society, and into the State, as certainly as we are born into the world. Aristotle gave, in his day, a description of the state, and the human being. He held that the State (*ἡ πόλις*) is a thing which exists by nature; and that man is by nature, *πολιτικὸν ζῶον*—an animal appertaining to a state. He did not regard the individual severed from the state, or conceived of as existing before the state, as fit to be called a human being, any more (to use his own illustration,) than the hand or the foot is fit to be called a hand or a foot except as appertaining to the body. Homer applies to a creature thus conceived of, the term *ἄθεμίστιος*—a being having an anomalous existence, or existing contrary to natural law.

One thing, at least, our own observation and experience will not allow us to doubt about; and that is, that our Moral and Intellectual life is developed, and finds activity and employment, only in a condition of association with other beings like ourselves. This, as a general truth, is quite obvious, and lies on the surface of things; though, undoubtedly, we are not generally sensible how deep a truth it is, and how profoundly it touches and concerns the whole subject of human rights and human duties, and all the hopes which a rational philanthropy can entertain of the advancement of mankind in a steady career of improving virtue, wis-

dom, and felicity. And in connexion with the truth just stated, there is another, quite as unequivocal, if not quite so apparent, to which it may be well enough thus early to advert; namely: That a condition of subjection to authority—of subjection to some earthly •Will and Power higher than his own—is a necessary and universal law of man's being, following him literally •from his cradle to his grave; making the duty of obedience to such authority, rightfully exerted, a duty of unceasing obligation, enforced by every sanction to which the voice and testimony of nature and of God can set their seal.

As men do not create themselves, but are created, and sent into this breathing world by the will of a higher and omniscient Power, they come, of course, on this mortal stage, under just such conditions and laws of life as that Power sees fit to impose on them. The first thing that strikes us is that the condition of their infancy is one of proverbial weakness and dependence—especially remarkable for its long continuance compared with the average duration of human life. Nearly one-half of all that taste life die within the period •of legal infancy—according to the term which the general sense of mankind has assigned to this immature portion of human existence; and never therefore, in this life, fully escape the condition of dependence which belongs to that period. And, then, of those who survive this period, it is found, in the end, to have formed nearly one-half of the average duration of their lives. Now in all this period of weakness and immaturity, end when it may in the progress of each indi-

vidual life, the necessity of a better intelligence than their own, even for the supply of the most common bodily wants, is perfectly manifest. It is hardly less clear that such a better intelligence is equally necessary for their guidance, education, and moral government. It is enough to say, that in this, the enlightened world is agreed. Nor does the great Creator fling off these beings of his hand, uncared for, on a desolate and wilderness world. In his own inimitable way, he qualifies and commissions guardians and governors for them all, endowing such guardians and governors with his own authority. Parents stand to their children, in the matter of nurture and control, *in loco Dei*; teachers, guardians, and masters stand to them *in loco parentis*. And thus are they nurtured, educated, and governed. And, in all this period, they are by nature, and from the necessities of their being, in a state of subjection to an earthly will and power higher than their own, and towards which, while it is rightfully exerted, they owe the most solemn duty of reverence and obedience. But this, as I think will appear as we go on, is only the beginning of that condition of subjection to constituted and rightful authority in this world, which, by the appointment of Providence and the necessity of things, men can never escape from, till they escape out of life.

Man does not exist alone. If he did, supposing that were possible, and conceiving of him as arrived at full age, he would not be a man, but an animal of a very low order. He would have no rights and no duties. He would have no intellect and no moral sense. He

would have nothing beyond the most common and brutish appetites and bodily wants.

Nor is man merely gregarious in his habits; merely herding with other men, as the buffalo herds with his kind on the boundless prairie, or as bees hive or birds flock together, without any certain and intelligent bond of union between him and his fellow men. He does not, as I have said, merely exist by the side of other men, but he is associated with other men. And here, he is a man. Here his powers and faculties find related objects, and are drawn out and developed. Having the faculty of Language, and the means and opportunity of employing it, he becomes an Intellectual being—which otherwise he could never become. Here, too, it is found that he is a being endowed with Moral Qualities; that he has Feelings and Affections, Mental Desires, and Moral Sentiments. He warms with Friendship, and kindles into Love. He glows with a generous sense of grateful emotions, or he turns from a loathed object with hatred and scorn, or he burns with anger and resentment. Following the motions and promptings of his own spirit—created thus for the wisest purposes—he undertakes to reduce to his own exclusive possession, and to secure to himself, something in the shape of Property, something which he can call his own, and without which he could never become that Free Agent he was designed to be, or ever attain to those lofty heights of intellectual and moral excellence which are set up in plain view before him. Under the same promptings, he surrounds himself with the tender associations of the Family circle, adding these to

the ties which already bind him to life and to society in the relation which he sustains toward others as his friends, his neighbors, and his fellow-countrymen. Under the same promptings, he searches after Knowledge, and jealously hoards it up for his use. In obedience also to the same law of his nature, he puts himself in training and under discipline in order that he may excel others if possible, and as far as possible, in all the higher qualities of a man. Here are important objects of desire—objects answering, not to any mere animal instincts, but to Mental emotions, with which the soul and the intellect have something to do—objects the pursuit of which is indispensable to the development of some of his best faculties and feelings, and which a man is enabled to pursue only as he finds himself associated with other men, and forming a part of an orderly community with them. In following after these objects, he becomes subject to other emotions which if he did not feel at all, he could never be called a man. He experiences the palpitations of Hope and the agitations of Fear. And he calls in the aid of Memory, and of Imagination, to give body, and color, and power, to the abstract conceptions which he forms of the various objects of his desire. And he has other Desires still, besides those already referred to, or, as they may properly be called, Moral Sentiments, and which find their gratification, or, at least, room for activity, in the circles of associated men of which he forms a part. He desires, and he strives, to stand well with other men and the world around him—to be esteemed and honored by them—and feeling, perhaps,

the motions of Ambition within him, he learns to pant for fame and for glory. Nor is this all. He rises to the exercise of a diviner power, which stirs within him as occasion calls it forth. Looking at the thoughts, and the conduct, and the character of other men, he learns to bring them to the test of the great Law of right and wrong written by the finger of God on his own soul, and there, within the chambers of that sacred tribunal, he sits in judgment upon them, and pronounces on them, though all to himself it may be, sentence of approval or of condemnation, and that, in the main, according to the very right of the case. And as he judges others, so by the same law he judges himself. Having become, in society, himself a being of thought and of action, and desiring to stand well with himself, he turns his scrutiny on his own conduct and character, and makes his own Conscience his accuser and his judge.

[It is in this way, then, in association with other men, and not otherwise, that the Intellectual and Moral qualities of a man are brought out and developed ; and the fact that he has a constitution of nature which does not and will not show itself in the isolated individual, or any where but in the condition of associated life, seems to demonstrate that the Social state is the state of man by nature. He has, in truth, no other natural state but this—except he be thought of as a mere animal, and one pretty low down, too, in the scale of existence. But as a man he has no other natural state—as a being of high endowments, of generous qualities, of lofty aspirations—as such a being, this is his

natural state, and there is no other. And those who are looking after the 'natural rights' of men, if they mean to look after any thing higher and better than the mere immunities which belong to an animal and brute nature, must turn their regards to Society, and find the natural rights of men there, or they will find them no where.

But if man is created a social being, and is in his natural condition in the Social State, let us consider a little further what the Social State is, and what is necessarily implied in the conception of it. And, in the first place, it is to be considered that it is not a merely voluntary association, like a mercantile firm, or a banking company, or a Free Mason's Lodge. It does not seem to be formed by the will of man, but by the will of God. The parties who compose a particular community or state, some of them, may be in it from free choice; but it is only a free choice between this particular community and some other. Somewhere on the earth, and in some Community or other, they must all alight, fly where they will under the whole heaven, like restless and unstable birds, and fly as often as they will. Every where we see men living in Communities, and that from necessity, and not from choice.

But what is a Community of men? What is it for men to live associated lives along with other men, enforced to this condition, without consulting their good pleasure in the premises? Why, we have seen how a man in associated life, meets with those related objects which draw out his powers and his nature, and make him the man he is. He has appetites and passions,

feelings and affections, desires, emotions and sentiments; and these must have their gratification, in a moderate and rational way, or he cannot exist, or he is miserable if he does. In associated life he is presented and surrounded with the objects and means of such gratification. But then every other man in the community has the same appetites, passions, feelings, affections, desires, emotions and sentiments, craving their gratification also, and the same identical objects and means of gratification will often present themselves to many persons at the same time. All are prompted to action and often to violent action, and many must often be found moving in the same direction, and towards the same objects, and confusion and deadly conflict must ensue unavoidably, unless the rising storm be hushed by some interposing and overruling voice of reason or authority. Whence is that voice to come? Every man's reason is not sufficient always, even for his own personal control, and all must be controlled, or none can be. Regulation becomes indispensable, and there must be something authoritative about it. The elements of discord must be smoothed down, and the great principles of union and harmony established. In short, the Social state, it would appear, cannot exist except as it exists in the Political state. It can only exist as a regulated Community; it is a community controlled and harmonized by common Rules. And Rules are Laws, which imply command and authority—a superior Will with the right to impose the laws, and enforce obedience to them. Are not political organization and political authority, then, necessarily implied in the idea of the social state?

But let us look into this point with a little more particularity. Out of the constitution of man, and his nature, as fitted for associated life, arises the necessity that certain things should be assured to him. These are his Rights. We may say, perhaps, with strict propriety, that they are such things as, by necessary inference from his nature and his place in society, it is the will of God should belong to him.

In the first place, the right of Personal Safety must be assured to him. Without this, all other rights would be vain things and mockeries. Without this, he could have nothing, and he could enjoy nothing. If his person and his life are to be put at the mercy of the strongest, they would be worth nothing. His existence would be miserable, as standing in perpetual dread of injury, wrong and even death, from violent hands, and the fury of unbridled lust and passion. But all this is too obvious to need that I should dwell upon it. There are some other Rights of man in associated life, to which I wish more particularly to refer.

The right of Property is one of these. The desire to possess things, and call them our own, is innate; and it is necessary that this desire should be gratified. The idea of individual possession and property is aboriginal; it is a natural want which every one feels. And it has not been implanted in our nature in so marked a way, without having eminent uses to be answered by it. I believe it is idle to look for the origin of property in any thing else than the natural want felt by every man—felt in the heart of the first man, as it will be in the heart of the last man on the earth.

| The very first necessities of nature cannot be met without the right to appropriate things to individual use. We are not covered, or sheltered, or fed, without it—except by chance, or by charity, and with an uncomfortable sense of dependence. The first perception of property, and of the right of property, perhaps, is when a man seizes and appropriates what till then belonged to nobody; and this perception becomes clear and confirmed when he comes to possess any thing which he himself has produced. But the right of property is not necessary merely in reference to physical wants; it is necessary in reference to intellectual desires and to moral action; it is necessary to independent effort, and to freedom in moral agency. And this right must be assured to men. For otherwise the desire of property, and the possession of property, would be only a perpetual curse. It could only be held with perpetual apprehension, and only defended by perpetual war. But so far as we know, or can discover, this right can only be assured to men in the political state, where common Rules are established for this purpose, with a superior Will and Authority to give these rules force and effect. Moreover, the conception of property can only arise and exist in associated life; for the exclusion of others from the possession and use of what is our own, is a principal thing in that conception. Property, then, is one of those things that belong to the Social state; but the right has no possible security to stand on short of the laws and authority which belong to a Political community.

The right of Contract is another right which must be assured to men. So far as this relates to property, it may be deemed to be included in the right of property. But Contract is not employed about property merely—as when personal service, or intellectual labor is the subject of agreement. Nevertheless, something of value is contracted for. And the right to any valuable thing secured by contract, stands on the same footing as the right of property. Exchange of property commences as soon as property exists to be exchanged; and promises and undertakings in reference to property and things of value begin with the beginning of associated life. These things belong to the Social state; which, however, would only present one universal scene of disorder and tumult, if men could not count on the conduct and actions of other men in matters of value and moment to themselves, or repose themselves on the faith of their promises. It is only when the Social state includes a Political power capable of defining and enforcing the rights of contract, that men have that assurance which alone gives reality to these rights.

Family Rights are of the number of those that must be assured to men. The Family is a prime element in the constitution of the social state. It is only by this institution that the turbulence of outrageous passion is calmed down. It humanizes men, and brings in refinement and delicacy, along with the play of the tenderest sensibilities. It is a principal instrument in advancing civilization; and where civilization is most advanced, the family still remains the best and foremost

school of intellectual, social, moral and religious culture. But husbands and wives must be made sure of each other, and parents must be made sure of their children. There is a property and an interest here which is sacred, and with which strangers must not intermeddle. And that security which is required in the case can only be found in the frowning defenses which may be set up around the family in the Political state.

And now, having said thus much of Rights, it is time to add, that Rights and Obligations go together. The rights of Security, of Property, of Contract, and of Family belong, not to one man only, in the society, but to every man, and in each the obligation to respect the rights of all the rest is as strong as his claim to have his own respected. His own cannot be respected except as the rights of others and of all are respected. There must be a common observance of the obligations which relate to these rights, or the rights will be no rights at all to any body. But it is necessary that these obligations should be defined so as to be made clear to the common understanding of all, that all may act in harmony, and on a uniform plan; and this can only be done by having the rights themselves defined, and accurately mapped out with their appropriate boundaries. And this is a work which cannot be left to each individual to do for himself and his own rights, for individuals would differ about the extent or meaning of their own rights, and if each authoritatively defined his own, there would remain a fatal discrepancy between rights and their reciprocal obligations. Hence the necessity of a Power, a Wisdom and a Will superior

to the power, wisdom and will of the individual, to preside over the relations and affairs of the social state and adjust them into a system from which the issues shall be those of order, harmony and peace. This is a common and a natural want; and it may be set down as one of the 'natural rights' of man—namely, the right to society, the right to regulated society, the right to Political society—and without which all other rights are nothing. Rights and obligations are defined and made specific and comprehensible by formal Rules, which grow up gradually with the historic life of the society or are established by direct enactment. These rules are Laws prescribed authoritatively by a superior Will having the right to command and to be obeyed. And whose Will is that? or what is it? The only answer that I know of is; It is the will of the State; which is therefore a mighty Power in the earth—recognized as such among Principalities and Powers—constituted as such in the Councils of Earth and of Heaven—a Power acting by a visible agency in its Government and Functionaries—a Power whose majestic mind and voice the Laws are.

We may say, then, perhaps, that there is little room for doubt about what the natural state of man is on the earth. He seems to be indeed, *πολιτικὸν ζῶον*—an animal appertaining to a State. Here it is—in the State—that we are forced to look for him, and to look at him, if we wish to know any thing about him, or about his rights and obligations as a man. Here it is—by looking at him in this connection, as existing under systematic Rules, which are the Laws of the State,

established for his political guidance and moral government in the associated life to which he is committed by nature—that we must take note and measure of him and of his moral position in the world. And we see plainly enough, that though he have attained to the full stature of a man; though he be come of age, and has escaped from the hand of parental power and authority, and has himself assumed, perhaps, that station of dignity and command, still he has not escaped, as he cannot escape, from the presence and power of a Wisdom and a Will superior to his own, and to which there is forever due a reasonable and just respect and obedience.

Turning, then, to the State, in which we have supposed this superior Wisdom and Will to reside, it is worth while to apply ourselves briefly to some more direct consideration of what the State is, of its origin, and attributes, and the grounds on which authority in the State rests.

There are theories of Government, not wholly false, and yet so false, that their tendency always is to make Governors and rulers arrogant, presumptuous and tyrannical. And there are opposite theories of Government, also not wholly false, and yet so falsely held and handled, that their tendency always is to bring the just authority of the State into contempt, and of course to weaken the general sense of the duty of obedience. It is not my purpose now to enter into any examination of these theories; but rather to throw out some very plain and obvious suggestions concerning the State, and what it is, and what Governments and Constitutions of

Government are, in the humble hope that our minds may thus be led in the direction of safe, sound, and satisfactory conclusions. What we need especially to avoid in such an inquiry as this, is the use of all political cant, of which there is a great deal in the world, taking care to borrow as little as possible even of the phraseology we may employ from the records of those turbulent times, marked by commotion and tempestuous controversy, rather than by any spirit of calm enquiry or any devotion to philosophic truth.

What, then, is the State, and what has been its origin? I do not mean by this question to enquire after the origin of any particular written constitution, or any particular government. I am now looking at something much more permanent and stable than paper constitutions and forms of government. These may be changed, and often are changed, while the State remains. Nor is it the People of any state after whose origin I am enquiring. It is all one, whether a nation seem to take its rise from one single aboriginal pair; or in the conquest of the country where it is found; or in the immigration of numbers into it; or by an aggregation of distinct communities, previously existing, into one. The people of a nation change with the flowing in and ebbing out of every successive generation of men, yet all the while the State remains. And one thing appears to be certain in regard to the State, and that is, that it is not left to the free choice of men whether it shall exist or not. It does exist, and has existed always, wherever men have dwelt together, on the face of the whole earth, and it exists with no more refer-

ence to their free will and consent in the matter, than the question of their generation, or whether they shall come into the world as infants or in full growth and stature, is referred to their free will and consent. From the birth of Abel to the last infant born to-day, one common destiny in this respect, has attended the race of Adam. All come into the world subject to an earthly and political Will and Authority above their own. In the beginning of things this authority was probably found only in the Family; it was parental or Patriarchal. But the power was then political as well as what we understand now by the term parental. No one doubts, I suppose, that the original form of political government was patriarchal. It must have begun with one family, which was a patriarchal state. And this form of government probably continued until many families were embraced under one patriarchal head. Other forms of government have proceeded from this, as families have expanded into tribes and nations. And all the while there has been a Political state, and a Political government, first for the family, then for the tribe, and then for the nation, and, finally, there have been as many states and governments as there have been distinct political communities. And the institution of the family remains, with a portion of the authority which originally belonged to the patriarch, still in the hands of the parent, while that which was more essentially political, as dealing with subjects in the maturity of their age, as well as others, is now found in the governments which have taken the place of the patriarchal.

Every State is a historical or traditional Power, connecting itself, if its history were accurately traced up, with the first Patriarchal state. Political control in some form, or of some sort, is essential to the conception of a state, and wherever such control is seen to exist—wherever political authority, however inartificial, feeble, and imperfect, is seen to be exercised—there we know that a State exists. And who has ever seen, or heard, or read of a people, few or many in number, who were for one moment without political control of some sort? A people may pass through strong convulsions and revolutions, and political authority may be greatly relaxed, and held by an uncertain and hazardous tenure, and may change hands with every rising and setting sun, or as often as the clock strikes the revolving hours, and yet there shall never be an instant, when that authority is not held and exercised by somebody. So it was in France, in spite of all the efforts which that nation made to resolve itself into “original elements”—to dissolve the State, in the madness of their pride, that they might have the satisfaction of reconstructing it for themselves, on new and sublimated principles! They might change the government as they did, but they could not dissolve the state. They could as well have made Time stand still, while they changed the mode of dividing and computing it. We ourselves, in this country, have done as much towards making Constitutions and modelling Governments, as any people ever did; and we passed through a revolution, and dissolved the political bands which had connected us with another people.

But there never has been a moment, from the landing of the Pilgrims down to the present hour, when this people, or any community of them, great or small, was without political control, and a political state—not even in the period of that remarkable transition—that political Exodus, when the Red Sea of the Revolution was passed, and we escaped from the oppressions of the Power on the other side of it. When there was nothing better to be done, the political state was governed by Committees of Safety. And the State in this country, familiar as we may think ourselves with its origin, has a history which reaches far enough behind that of the first colonization of the country, running back into the opposite continent, and finding in the Norman, the Dane, the Saxon, the Roman, the old Briton, the links of a chain terminating only, if it were faithfully traced up, with the first age and the first family of mankind. Our political history, so far as it is peculiarly American, is within an easy grasp. We stand where we can look over the whole ground, and take it all in at a glance, but we must not think, for that reason, that the political society to which we find ourselves appertaining, has been altogether the work of our hands, or of any human hands. Political Society has a continuous history, and, we must conclude, exists by the will of God, and not by the will of man. We may say that this nation is only half a century old, if we will, but we shall make a great mistake if we assume that the historic or traditional State to which we appertain is only half a century old. The State is a fixed and permanent thing, as its name indicates; it

exists by the necessary constitution of things—as the necessary condition of man's moral nature. Men are born into it, and are as much the subjects of it, before they may put their own hands to the making of Constitutions and the modelling of Governments for themselves, or to the partition or the composition of Empires, as ever afterwards.

But let us proceed one step further in our consideration of the State. If the State have such a real, original, and indestructible existence as I have assigned to it, it is natural to suppose that it must have some necessary attributes, which we can lay hold of and handle, when we make it the subject of our contemplations; let us see if it have not such attributes.

In the first place, the State may be deemed to be the original and ultimate Proprietor of all the territory or land covered by its jurisdiction. This is what is usually denominated the right of Eminent Domain. I think I am safe in saying that a principle of this sort is universally recognized in civilized countries. It is certainly a familiar principle throughout this country. It was expressly recognized in the State of New York in the latest revision of its Laws. All individual title to land is held subject to this right of the state; and when individual title fails, the land becomes the immediate property of the state. And the state is regarded as the original proprietor; that is to say, its title is not derivative. It has this right in and over the land because it is the State. And I do not know that it can be better expressed than to say, that it seems to be the will of God, as agreeing with the necessary consti-

tution of things, that the State shall be deemed the original and ultimate Proprietor of the land.

The fact of this original ownership will be more apparent by adverting to another characteristic attribute of the State ; namely, the power to make war. If the national territory be invaded by a foreign power, the defense, not of the eminent domain only, but of every individual right of property, devolves on the State. Every citizen and subject is in danger of having his land wrested from him by violence, and the state, in subjection to whose eminent right his title is held, is bound to defend it. But in such a war the state defends its own existence as well as the national soil. And moreover, as there is no common arbiter between States, which are equals in sovereign power and will, if they fall out, and they cannot compose their differences by agreement, or by a voluntary submission to a common umpire, it has generally been agreed that there is nothing left but a resort to the ultimate argument of sovereigns—which is war. The strongest must prevail. And this power of war must, I think, be taken to be an original power in the state. It does not emanate from the subjects of the state, for the subjects of a state, one or all, have no right themselves, either as subjects or as individuals, to make war on the subjects of another state, without the authority of the state to which they belong. It cannot be said to be conferred by written Constitutions. These Constitutions may control and modify the power, and prescribe in what manner the war shall be declared, and by what particular authority, and how provisions

shall be made for prosecuting it. This is done in our own national Constitution, and the more explicitly, to mark the necessary transfer of this high attribute from the several state governments, which were parting with their national character, so far as they had any, to the Supreme Government, which was taking the place of all of them in this respect, by substitution. But I repeat, the power in the state to make war does not appear to be derived from any such Constitution. It has the power because it is the State. In the Constitutions formed by the States of this Union previous to the Confederation, we do not find that any direct provision was made in regard to the War power, and yet each State regarded itself as possessing the power as fully as any state in the world. We must conclude that it is a necessary and original power of every State.

The power of Punishment must, I think, be regarded as another necessary and original power of the State. By the practice of almost all nations this has extended to the taking of life. On this particular topic—that of capital punishment—all we can say now is, that the right of punishment necessarily extends just so far, in point of corporal severity, as is found indispensable to enable the state to protect its subjects in the enjoyment of their rights in the social relations, against the violence and wrong which would disturb and destroy them. To this extent, or at any rate to some extent, it is deemed to be a necessary power, and inherent in the State. The power of punishment is a high moral power. It is a moral sanction which the State, as representing a portion of the eternal Justice of

Heaven, urges and enforces against crime. Its moral use is, to impress the whole public mind with the positive demerit of crime, while it acts on vicious or impassioned tempers by exciting vivid apprehensions which bring the evil purpose to a pause. Such a power is indispensable in the hands of a great Moral Agent like the State; and we are not to suppose that God would have constituted such an agent in the world without it. Nor is this power derivative from any human source. No number of men in the community, small or great, considered as an unorganized assemblage of individuals, have any right in themselves to take human life by way of punishment, or execute any other act of high retributive justice; and they could not confer a power which they do not possess. Nor could any individual, by any direct or presumed contract or consent, authorize any body to take his life as a retribution for any act he might be guilty of; he could as well agree with himself to take his own life in such a case, and execute that agreement. I believe there is nothing left for us but to conclude that this is an original power of the State.

And there are some other essential powers, which, in their substance, must, I think, be deemed to belong, of original right, to the State: namely; the power to prescribe laws; the power to judge; and the power to execute or enforce. I do not see from what source we are to derive the substance of Legislative, Judicial, and Executive authority, unless it be inherent in the State, by its necessary constitution. These powers do not originate in written constitutions. Such constitu-

tions, on the contrary, assume the existence of these powers; and, upon this assumption, they proceed to distribute the powers, and prescribe the mode of exercising them, and the particular agencies by which they shall be exercised, and the limitations and restrictions under which those agencies shall act. If any one will look into our American Constitutions he will be a little surprised perhaps, considering the strong and somewhat vague popular notions that have at times prevailed on the subject, to see how naturally and uniformly they fall into the use of language, in parcelling out the great powers of government, which accords with the conception of the State as possessing these powers by inherent and original right. "The legislative power of this state," say these Constitutions, "shall be vested in a Senate and an Assembly." "The executive power shall be vested in a Governor," and so on. Says the Constitution of the United States; "The executive power shall be vested in a President;" "All legislative powers *herein granted*, shall be vested in a Congress;" a phraseology employed to signify that, in the partition of the high authority to prescribe laws, belonging of original right to the several American States, a portion only was to devolve on the government of the Union, while the rest remained where it had previously been vested.

It must be admitted, perhaps, that our American Constitutions are not altogether free from discrepancies of language, or confusion of ideas. And still no one can look critically into them, without seeing plainly enough, that, in the estimation and conception of the

framers of them, there was behind these instruments and at the bottom of them, something more and better than a mere unorganized herd or assemblage of individuals; that there was a Political Society, with political organization, and original political powers—a Political Society, with an Unwritten Constitution, on the basis of which the written Constitution stands.

But the view which we have taken of the State in its more abstract form and nature, with its essential and original attributes and powers, would be very incomplete and unsatisfactory, if we did not add a few words further in regard to actual Governments, and Constitutions of government—especially as they exist with us in this country.

The idea of an Unwritten Constitution must be familiar to every one who is at all conversant with the history of Constitutions and Laws. Great Britain is a constitutional State, but her constitution is wholly unwritten. The great body of our American laws are unwritten to this day; and they are not a whit the less definite and certain for that reason. Nor is it at all difficult to discover and define the principal features of the unwritten and historic, or rather I should say, perhaps, the traditional Constitution of political society in this country previous to the formation of our written fundamental laws.

In the first place, there were those principal and necessary attributes, or powers, to which I have already referred as belonging inherently to every state—territorial jurisdiction and proprietorship, the power of war and of punishment, and the general right to make

laws, to judge, and to execute. But this was not all by a great deal. It had come to be a settled and leading feature in the Unwritten Constitution of civil society in this country, that that Estate in the body politic, which we call the People, holds of right, and should hold, represent and exercise, the exclusive potential authority of the State in two principal things; first, in the formation of the Fundamental Law, or the written Constitution, of the state, under which all the administrative powers of the state were to be exercised; and next, in the designation or election, directly or indirectly, of the principal Functionaries of administration, so as to secure, at stated periods of time, an effective responsibility on the part of these functionaries to that Estate, or to the People.

The conception of such an original Constitution of civil society, seems to be indispensable to enable us to conceive at all of the process of forming paper Constitutions, and to make the actual history of their formation, and the establishment of Governments under them, intelligible. Every one will see, on a little reflection, that there are no conceivable means by which a mere assemblage of unassociated and unorganized numbers could proceed to ascertain and proclaim a common desire and purpose. There must be social organization, to begin with; there must be a plan of society as a basis of action; there must be civil regulation, and authority. And what is this Estate in the body politic, which we call the People? It is apt to be confounded with the population—the numbers that compose the Nation; and yet every body must know

that it is very far from being any such thing. All that can be said of it, in this view, is, that it makes the nearest approach to the whole population, that can be made for practical purposes. But after all, it is only a political Estate carved out of the body of the population; and we must suppose it to have existed and acted, originally, as it now does, under political regulation. It existed before our paper constitutions were made or could be made, and its existence was, as I have said, a principal and leading feature in the Unwritten Constitution of our Anglo-American Communities. Taken on the broadest basis on which it now exists, this Estate may be deemed to be made up of the male heads of families, with the addition of all such other male members of the community (with inconsiderable exceptions) as from their age, are considered as emancipated from paternal control; and it is not without evident and strong marks of its origin in the Patriarchal system. At the period when our earlier American constitutions were formed, it was much more restricted than it now is; being then pretty generally limited, in its composition, to those who had some rights of property, as well as rights of family, to be secured and defended. Now nobody can look on this Estate, thus constituted, but as an institution of civil society; and it was just as much an institution of civil society when our first written constitutions were formed as it is now. This is manifest enough from the fact that it was then as it is now an Estate carved out of the body of the population, and having a pretty regular and well defined system of ex-

clusions—excluding, at the time, not only, as now it does, all males who were within a fixed, arbitrary period of life, or who were criminals, and all females, though of full age, and though single, or widowed, and possessed of estates never so large, but excluding also all who lacked the requisite property to be deemed fit members of it. It existed on the basis of fixed and arbitrary rules, such as cannot emanate from any other source than that of political society, or the State. The action, too, of this Estate was, as it is now, strictly political. As an Electoral body, it chose delegates to Conventions for framing written constitutions, by a majority of voices; and constitutions were adopted and ratified by it, by a like majority of voices. And what is this important rule, by which a Majority decides, and the Minority submits to the decision, but a necessary, though arbitrary and stringent rule of civil society? Certainly, I deem it of some importance that we should understand, that this business of making written Constitutions is an act of Civil Society,—of a regulated, organic Political Community—and, perhaps, the very highest act in which it can engage.

The People, then; in other words, the Popular Estate in the body politic, make and establish written Constitutions, always, however, subject to, and on the basis of that original Unwritten Constitution of civil society to which I have referred. They become the source of political power, as it is distributed and vested in the various departments and functionaries of Government; they are the source of the practical forms under which alone political power is to be exercised; they set up

the framework of the actual government in the Fundamental Laws which they adopt and establish, and to which, by that act, they pledge their consent.

I think I may assume, after what has been said, that we are now prepared to contemplate the State in its true character, without falling into the error of supposing that we have comprehended every thing about it, when we have thought and talked of the people, or the individuals composing the nation, without association or organism, as if they constituted the State, or of the constitution and frame of government, the work of our hands, as if there was nothing in the idea of the State above or beyond what has originated in our wisdom, and been created by our power. The tendency of our times is undoubtedly towards those shallow notions on this subject, which, considered as a theory, I shall venture to call political materialism. He is a materialist in psychological science who sees nothing in the human being but an assemblage of Faculties, or of Propensities and Sentiments, each quickened into involuntary action by the motions of an integral portion of the material substance of the brain—all maintaining a strict republican equality among themselves when all are equally stimulated—all overwhelmed and governed by the tyranny of one, when that one happens to be goaded up to the exhibition of irresistible strength and power—and anon, a majority taking the rule, now formed of one set of Propensities and now of another, just as the pulpy contents of the cranium chanced to have been originally divided up, or according to the variable motions of the organic portions for the time

being, and that majority, by their predominating will, keeping the abject minority in a condition of humble subjection and obedience. In short, he is a materialist, in mental philosophy, who finds in the human being no soul—except a material one—no superior Will, and no Conscience. And he is a political materialist, who sees nothing in the state but the numbers that compose the nation, and the material organism of a popular Constitution and Government, by which those numbers, or a predominating majority of them, like so many involuntary propensities, manifest a present will—a will which is one thing to-day, and another thing to-morrow, and to-morrow, and to-morrow, till the last syllable of time; who does not recognize the State as an Entity and moral Person, distinct from the accident of varying numbers, or regard the State as having, or capable of having, any higher Constitution than such numbers can give it, or as being any thing better, or capable of being any thing better, or wiser, or more fixed or permanent, than just what the casual expression of a major part of the Wills of the day or the minute can make it—followed of course by just what the casual expression of a major part of the Wills of the day or the minute after shall make it.

I shall indulge the hope that we, in this place, entertain other and better opinions than these, and, for ourselves, are far enough from the broad and fatal error and mischief of political materialism. We see in the State—do we not?—a veritable Entity—a moral Person and Power—a creation of the Divine energy and will, and something quite above the power of man to

create; just as we see in the individual man a creation of the same Divine energy and will, and something a great deal better than a piece of curious material organism, made to live to-day and perish to-morrow. And just as we would appeal from the conceited and atheistical doctrines of a modern sciolist in his "Vestiges of the Natural History of Creation" to the better philosophy of the Bible in regard to the origin and the character of the individual man; so would we appeal from the conceited and shallow doctrines of the whole school of political materialists to the better philosophy of the same Book of eternal truth for the origin and true character of the State. We believe—do we not? —that the State is ordained of God.

The popular principle, as we have it in this country, if only it can be maintained and preserved on the true grounds—and it cannot long be preserved on any other—is at once the result, the proof, and the promise of a very high state of civilization. I rejoice in it; though I tremble often-times for the hazards to which it is exposed in the hands of its friends. This popular principle, as we have it, exists independently of paper constitutions—it exists before paper constitutions are formed or can be formed, though its exercise after they are formed is regulated by them—it is itself a necessary part of the primary Constitution of civil society and the State in this country—so in fact recognized and acted on, whether men know it, and will confess it, or not, by the common understanding and consent of all—and as such, it exists in a political form and under political regulations. A Convention of del-

legates to make a Constitution, is a high political and representative body; and the primary and select popular body, who, by a majority of voices, elect those delegates, and who finally adopt their constitution, by a like majority of voices, is itself a political, and representative, and functional body. The Constitution of the State, which is the result of this representative action and political agency, becomes the outward and visible form in which the State manifests its political attributes and character; while the Government, having personality in its Functionaries, elected or appointed as the constitution prescribes, gives a bodily presence to the State, and furnishes the bodily organs by which it acts—by which it thinks, reasons, wills, decrees, and executes. With what unaffected respect and reverence the Constitution of the State, and the Government of the State, thus become in a manner identified *with* the State, which is an ordinance of Supreme and Divine authority, ought to be regarded, and will be regarded by right-minded persons, I need not stop, I am sure, to urge on your attention.

I come now to speak very briefly—as I must—of the Laws of the State; which I shall do chiefly with the view of leading you to consider how very intimately a conscientious regard for these laws is connected with personal Morality. The Laws are—or they ought to be—the deliberate Voice and Will of the State. On the mere ground of command, therefore, emanating from a power of Divine Ordination, our respect and just obedience are due to the laws—at least, according to the best authority which a Christian peo-

ple can consult on the subject; an obedience which we are not at liberty to withhold, except where the powers of the State are manifestly perverted beyond correction or recall, from their true design and purpose, by a corrupt human agency, and where popular resistance becomes the only mode left of escape from systematic oppression and tyranny. But the laws are not only the voice and will of the State, uttered by authority; they are also a body of Moral Rules, and form together a Code of National Morality—the highest I suppose to which the moral sense of the nation, for the time being, is capable of ascending. The national standard of Morality, is found, for the time being, in these laws, which are the rules of civil society established for the regulation of human conduct in that society. Morality in human conduct, or in external actions, has reference to what men are under obligation to do or not to do, according to positive rules; and I suppose that the highest practical attainment of the nation, as such, in morality, is to act up to the standard of right and wrong, or the positive obligations, which the laws of the State recognize and impose. There is, as I hope we all very well know, a higher standard than this—a Supreme Rule of Right, which is the Will of God. So far as the laws of the State square with this Supreme Rule they are right absolutely; and so far as they fall short of its true spirit, all that can be said of the matter is, that they are positive rules in respect to human rights and human obligations which make the nearest approach to the Supreme Rule that the nation, as such, has yet been able to attain.

In this view they must command, and will command, the respect of every right-judging person.

I have had occasion already to speak of Rights and their corresponding Obligations ; as the Rights of person, of property, of contract, and of family. The Laws of the state give form and definiteness to these Rights, and it is only under such Laws that they can be enjoyed at all, or, indeed, that they can be said to exist at all. They have their foundation in the nature of the human being considered in his necessary relation to other beings like himself. The laws which define and fix these rights, express also the Obligations which men are to observe in regard to them. And the moral force of these laws, considered as having reference to conduct, or external action, will be better understood by considering how well—though certainly in many instances, imperfectly—they correspond with those great moral Precepts, of acknowledged, universal authority, which have for their object the regulation of the internal actions, or the desires and motions of the human mind and heart.

Thus ; If the Laws of the state set up their defenses around the Person of every citizen, and forbid us to take his life, or inflict any personal harm upon him, or even to put him in bodily fear, there is a higher Law which forbids us to indulge in anger, malice, envy, revenge, or any passion whatever, which might prompt us to attempt a violation of the sacred rights of Personal Security belonging to another.

So ; If the Laws of the state set up their defenses around the Property of every citizen, and forbid us to

steal or embezzle it, or to invade it, or trespass upon it, or meddle with it in any way, there is a higher Law which forbids us to covet another man's possessions, or indulge in any inordinate feeling or desire which might prompt us to attempt a violation of his rights of Property.

So also ; If the Laws of the state set up their defenses around the Contracts of every citizen, enjoining and enforcing a strict performance of the proper obligations belonging to them, and forbidding all frauds, combinations and violence to destroy or weaken their validity or value, there is a higher Law which forbids us to withhold, or to desire to withhold, what is another's due, and enjoins us to keep the faith of our solemn promises, and to observe the truth, with all men.

And, finally, if the Laws of the state set up their defenses around the Family of every citizen, and forbid us to invade the sanctuary of his hearth and his home, there is a higher Law which enjoins us to keep the sanctuary of our own hearts free from the intrusion of unhallowed passion, and out of all temptation to commit the deepest wrong and injury which one man can inflict on another.

The Laws, then, as these examples testify, are a body of moral rules, having reference to the conduct, or external actions of men ; and are in truth the legal and authoritative interpretation which the State puts on the precepts of the Moral Law, as addressed to every man's conscience in the sight of the Supreme Law-giver, in regard to human rights and human duties, in the relations of social life. And now if we keep this

important and leading consideration steadily in mind—namely, the moral quality and force of the laws, and the fact of their general agreement and correspondence with the precepts of the Moral Law, and the Supreme Rule of right, so far forth as the national sense has yet been able to embrace the Supreme Rule of right—keeping, I say, this leading consideration in mind, we shall have no difficulty in discovering in what manner, and in what manner only, we may expect to see a people—any people—make any progress in moral elevation, in virtue, and in true wisdom and felicity.

In the first place, nothing can be done out of the State—a point on which I have insisted from the beginning. Every thing is to be done in the state, and under the state. The institutions of Education and the institutions of Religion, must be in the state, and under the state, and with the state. And all attempts, or projects, to create associations or combinations of persons, or classes, and erect them into social organizations, or communities, either as partial substitutes for the state, or as antagonistic to it, or to the general order and arrangements of society under it—all such attempts and projects are to be deemed, not merely useless and absurd, but positively mischievous and wicked. In the state and under the state, men live, and must live; and here all political, and religious, and intellectual, and moral progress must be made. All must be done in the state, and in society, made up, as it is, of families, with individual and family rights carefully maintained and defended. The very first requisite, whether for preserv-

ing the order, and peace, and welfare of the community as it is, or for improving its condition, is that every man shall religiously observe the obligations he is under, by the positive laws of the state, to respect the rights of every other man, just as the laws define and establish these rights. This is the beginning of national morality and national wisdom. It is the outward act only with which the State and the laws undertake to deal; and with the outward acts or conduct of men in reference to legal rights and obligations, the State is bound to deal effectively. And the act of Obedience in the subject or citizen of the state, is the beginning of political and social morality, just as the act of obedience in the child is the beginning of filial duty. If progress is to be made, it is to be made by taking this step first. Begin with obedience, and let obedience become habitual, and then something better may be expected to follow. When the habit of obedience is established, when the outward conduct comes to be habitually conformed to the moral rules prescribed by the supreme political authority to which our condition subjects us, then we may expect to begin to feel the impress and force of the higher Law which seeks to rule the heart, and regulate the springs of action within us; and we shall learn to obey from a higher motive and a better principle than before. From thinking the act wrong, we shall ascend a step in the scale of morality, and think the feeling or desire which would prompt to the act also wrong. And from the habitual control of the conduct we should come to control the motions of the mind. Here would be a partial conquest over our-

selves—an outpost at least would be carried—and this might lead to a complete victory. The Moral Law, the Supreme Rule of right, demands something more than negative or abstinent duties; we are not only to abstain from wrong and injury to another, and from the disposition and desire to inflict such wrong and injury, but we are required to have a positive and active disposition and desire to do every man all the good we can, and to cultivate in ourselves the higher and nobler virtues of benevolence, justice, purity, and truth. The way to this character of eminent and essential goodness, lies, I am sure, along the line of path which I have indicated. With Religion for a guide to the will and the affections on one hand, and the State with its moral rules to steady the conduct on the other, there is hope that the world may, some day or other, see a nation—some nation or other—would God it might be our own! leading off in the direction of this sort of moral renovation, reform, and progress. Certain it is, in my mind, that no people—this or any other—will ever get very far in such a direction, by taking any other tack. The love of the Supreme Being, which is the first and great commandment, comes only with Obedience; and love to man, which is the second commandment, and like the first, but is not the first, comes only with the love of the Common Father of us all.

And let it ever be remembered that moral progress among men is only to be made in communities—that is to say, in the social and political State, with the principal and leading relations of civil society preserved and maintained, very much as we find them now, and

as they have existed since the world began. These very relations are the school in which the moral training of mankind is to be accomplished; and there must be husbands and wives, and parents and children, and neighbors and friends; and there must be rights of property, and rights of person, and rights of contract, and rights of family; and there must be orders in the society, and diversity of employment, and diversity of condition; and there must be a State, and the subjects of a state, somebody to command and somebody to obey. Whoever undertakes to reform mankind out of these relations, undertakes a hopeless and a wicked mission; moral progress must be made in them and with them, or it will never be made at all.

And in the work of progressive civilization and moral advancement, the State can do a great deal, and is bound to do a great deal, moved and aided by a sound and considerate public sentiment. The State is bound to make the administration of the public affairs a perpetual moral lesson to the community. The Government must set the first example of scrupulous obedience to the Constitution and Laws; and set the first example of scrupulous respect to all the rights of individuals, as defined and established by the laws. It must not invade any man's property; it must not violate, or aid in violating any man's rights of contract; it must not violate or repudiate its own contracts or engagements; it must observe truth and fair dealing towards the community and towards every individual. It must govern honestly, for the good of the community, and not for any special advan-

tage of its own, or its partisans. The power of punishment must be so exerted as to mark the moral demerit of crime. And in its foreign relations the Government must be just, loving peace and not war, grasping at nothing which does not belong to it, not rapacious, not greedy of unhallowed gain, or aggrandizement, not even coveting another nation's possessions. And in all its measures, and in its political reforms, the government should keep steadily in view the primary object of making its whole System of laws—its Code of moral rules which are, and are to be, the standard and measure of the national morality—conform, more and more exactly, in all their particulars, to the Supreme Rule of right. If unnecessary and injurious inequalities of rights, or privileges, or burthens, exist, they should be remedied; if any class are oppressed—any class defrauded of the just reward of their toil, they should be relieved and redressed; if any be in bondage, their dusky brows sweating and bent to hopeless and unrequited labor, their independence and their manhood sacrificed and lost, they should be rescued and restored—whenever so benevolent, moral, and just a purpose can be effected, consistently with the sacred respect which is all the while due to present rights and present obligations. Even the state has no right to do evil for the sake of the good that may come of it.

With the active and efficient coöperation of the State, and the Government, we have a right to hope—and assume—that a people may make progress in virtue, morality, and happiness; but that will be on one

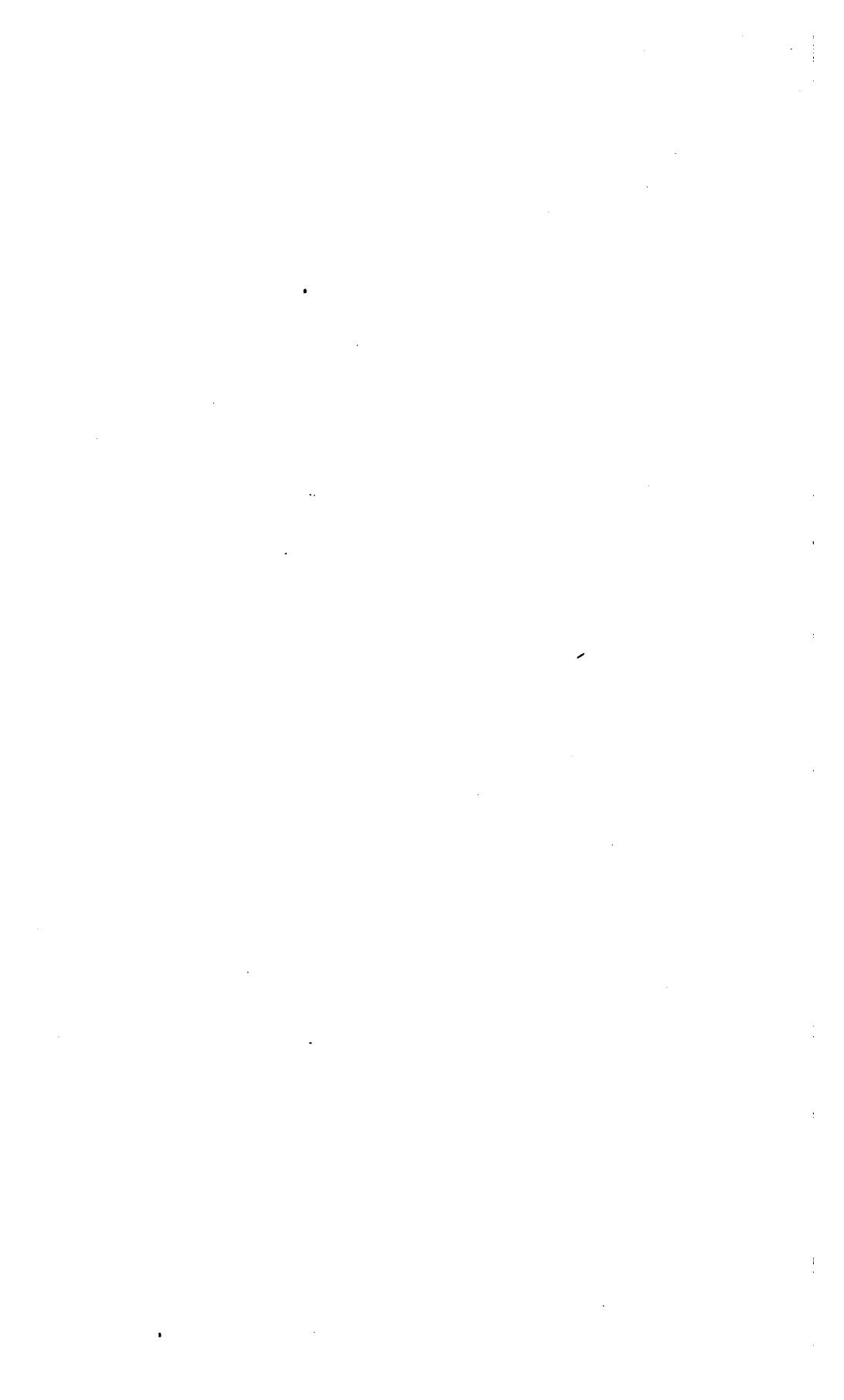
condition. I mean that there must be a prevalent spirit of subjection and obedience to established law and constituted authority. A rare old virtue this, of Obedience, and not half as much honored, I am afraid, now-a-days, as it ought to be. In all efforts at moral renovation and progress, whether personal or political, men will find they cannot get along without it; and they may as well begin with this, first as last. It was the want of this virtue that lost us Paradise, and we shall never find our way back there without it. Our whole life, from infancy to expiring age, is arranged, in the order of Providence, to be a school of instruction in morals, and this virtue of Obedience is the first lesson we are required to learn, and the last we are allowed to forget; and it depends on our proficiency in this, whether we shall ever make any further progress. It is a lesson for infancy, a lesson for manhood, and a lesson for age. It must be practiced in the Family, and in more relations than one in the family, and in various social relations out of the family, and practiced in the State, and practiced before the Great Supreme. There is never a moment in the life of any man, be he never so exalted in station, that he does not owe the duty of respect and deference, at least in some things, and to some extent, to some earthly Will and Authority higher than his own. And this is a condition that he cannot escape from, struggle with it as he may.

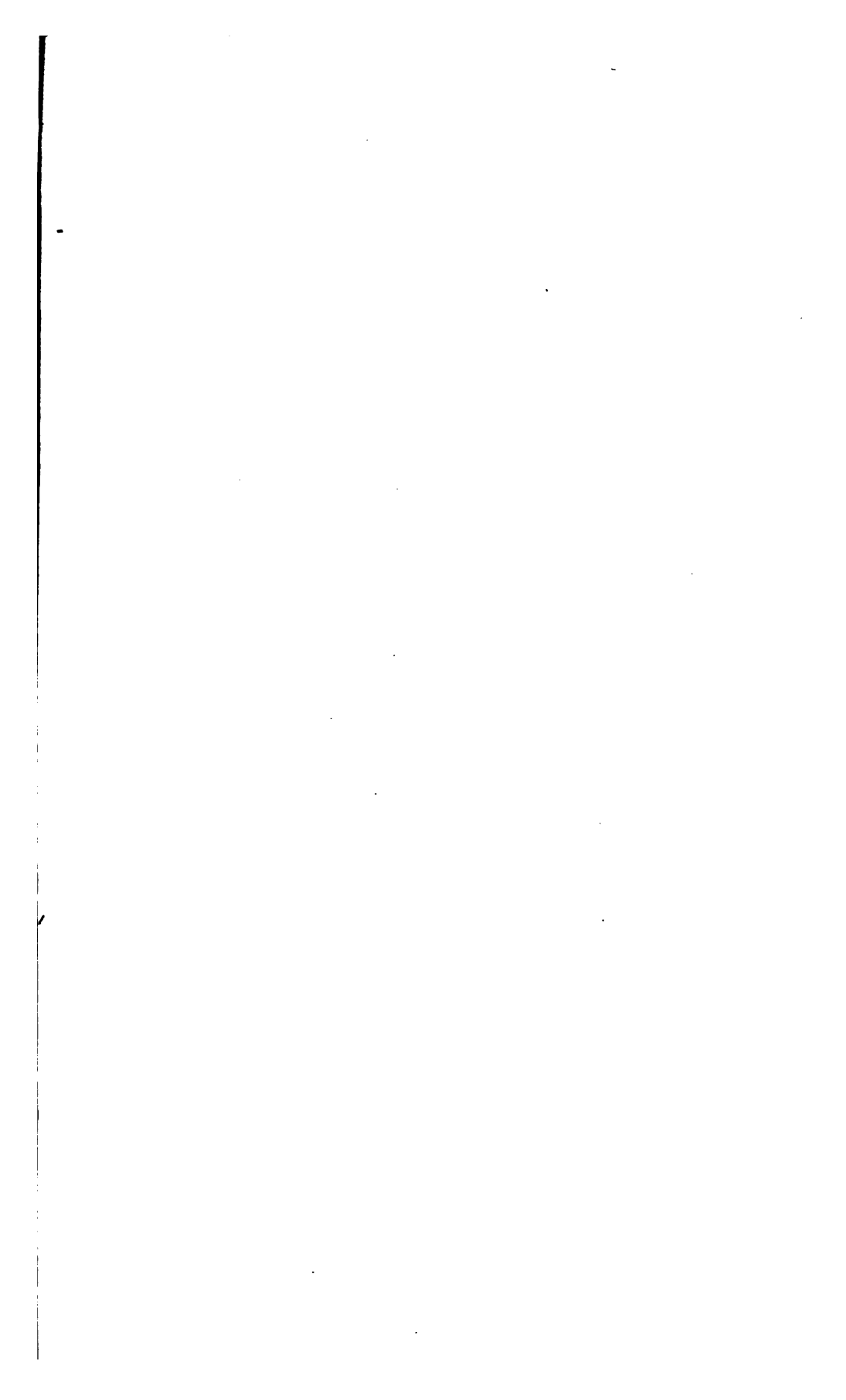
We are apt to think that this subjective temper and disposition which I am commending, is not quite consistent with manly independence; and, at any rate, that it does not comport with the proud bearing which

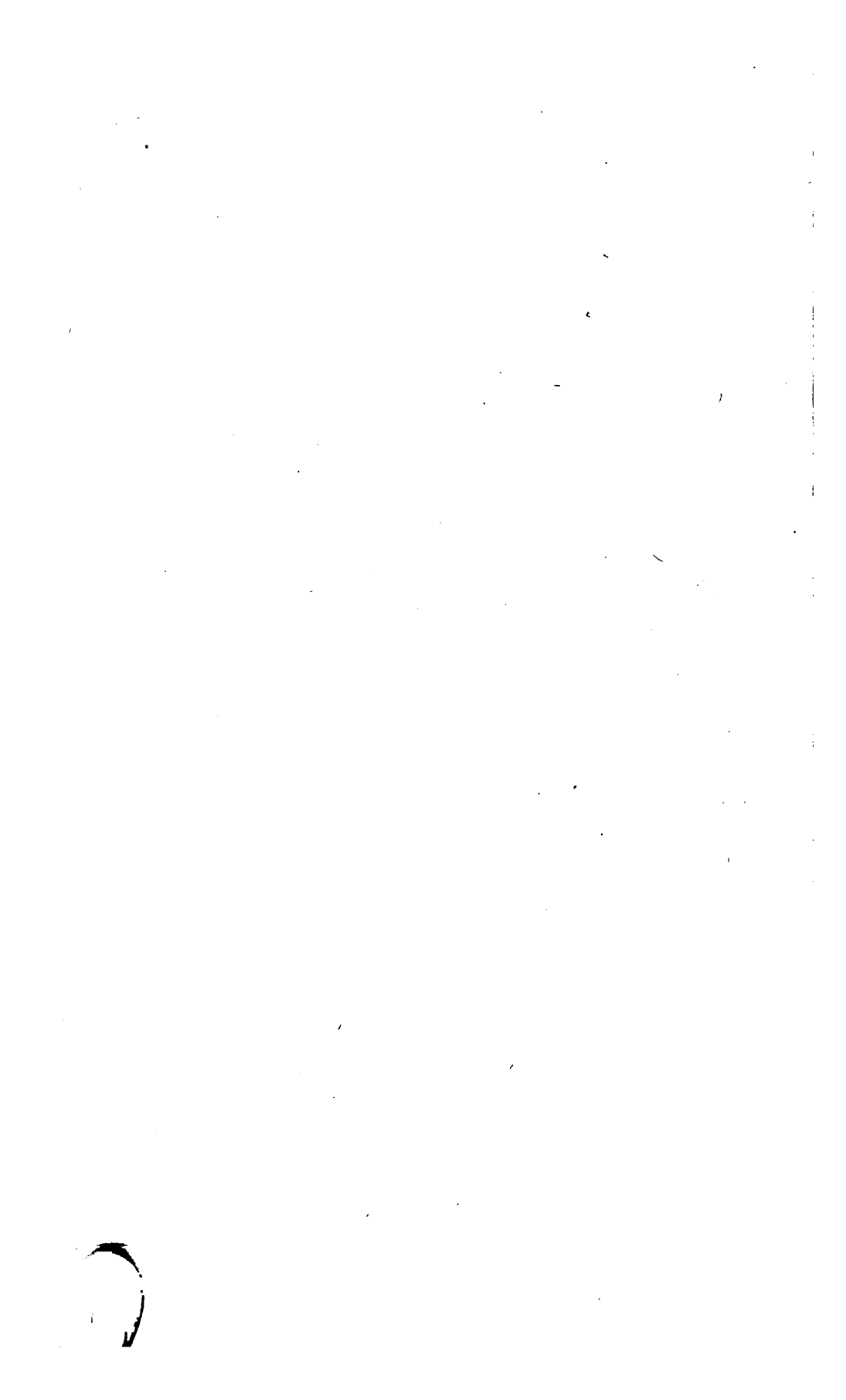
should characterize the citizen—man or child—of a free Democracy like ours. Some habitual contempt of authority, is necessary, we think perhaps, to keep our claim good to that precious, though minute aliquot portion of Sovereignty, of which we Republicans love to boast. Nothing is more necessary or commendable than a proper vigilance for the preservation of true popular freedom—the perfect freedom to do every thing that is right, without a particle of liberty to do any thing that is wrong. But I cannot think that the true spirit of manly independence is so very incompatible with the true spirit of subjectiveness, as is apt to be supposed. There occurs in an old and much valued History, which is in almost every body's hands, the relation of an example on this point, of a most beautiful and touching character. It was the case of One, who, when a child of only twelve years of age, manifestly felt a present Divinity stirring within him, but nevertheless, remained voluntarily subject to his parents, and so continued, it is believed, until he was about thirty years old; and who afterwards, as a citizen and subject of the State, when falsely accused of seditious and treasonable designs or declarations towards the Government, conscious of the most perfect innocence, suffered himself to be led to execution, though he knew that the rightful Government was on his own shoulders, and though he might have commanded the instant aid of more than twelve legions of angels, for his rescue, at any moment, from the hands of his persecutors. This was Obedience. This was an act to countervail—if any thing could do it—that unhappy

defection of certain grand Progenitors of ours, which, as the old lawyers would style it, worked a corruption of blood, and lost us our heritable interest in the most beautiful ancestral seat the world has ever seen. And as I have said already, if we are ever to regain that blissful possession, or any considerable part of it—in other words, if we are ever to make any sensible approach, beyond the position we now occupy, towards that earthly felicity, for which the world is always looking and longing, when men and nations shall dwell together in unity; when all hearts and voices shall be attuned together; when the melodies of this terrestrial Globe shall be brought into sublime accord with the harmonies of the Celestial Spheres; we must begin—let us assure ourselves of it—we must begin with this same spirit of subjectiveness to competent and lawful authority. And, finally, to take a more instant and practical view of the matter, if we desire to be happy ourselves and see others around us happy; if we wish to see our beloved Country truly prosperous, rising in moral strength, and growing up into a condition of true greatness and felicity, we must take care, as far as in us lies, that, having a Government capable of giving us a perpetual lesson of moral truth and excellence, in all the exercise of its high attributes and functional power, we render back to the Government and the State the invaluable service of virtuous lives, and the unfailing duty of just and becoming respect and reverence for constituted authority, and for established law. This is patriotism; this is love of country; this is devotion to its true interests. Not the patriot statesman

who consumes his existence in thankless labors for her advancement and glory ; not the belted warrior who lays down his life for her in the deadly breach, renders a purer, or a more necessary service than this. And it were an infinite gain if ninety-nine in a hundred of all who manifest, now-a-days, so anxious and feverish a desire to serve the country in some way, would abandon forever all other ways of serving it but this. Would we might see our Country as just as it is free,⁷ as wise as it is brave, as moderate as it is powerful ! What have we to do with excitements, agitations, propagandism, aggrandizement, and war ! An aggrandized Republic, is a Republic filleted and garlanded for the sacrifice. Would we had more patriotism, and fewer Patriots ; would we had more reform, and fewer Reformers ; would that my countrymen were let alone, to enjoy and improve all the superior advantages of their most eligible position, and to taste the happiness of hoping, as they might do in such a case, in a truly bright and joyful Future, with no other admonition than this ; be honest, be just, be true, be virtuous, be wise, be dutiful, and be happy.







This book should be returned to
the Library on or before the last date
stamped below.

A fine of five cents a day is incurred
by retaining it beyond the specified
time.

Please return promptly.

DUE FEB ~~2 1945~~